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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,791	06/21/2001	David Gray Boyer	4-2-2-1-2-6-11-11	6160

7590 10/06/2004
Thomas Stafford
4173 Rotherham Court
Palm Harbor, FL 34685

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,791

Applicant(s)

BOYER ET AL.

Examiner

Ramy M Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 5 line 31 change “actively” to “activity”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 7,18 and 25, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
4. Claims 9 and 27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation ‘to information to be discussed’ renders the claim difficult to understand, and doesn’t distinguish who is discussing and what is being discussed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2,12,13,19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Burrige (US Patent No 6,430,567) in view of Appleman (US Patent No 6,750,881).

7. In reference to claims 1,12 and 19, Burrige teaches a method for use in a collaborative system (Abstract) comprising the steps of:

- setting up a plurality of participants in a group to collaboratively communicate (Burrige; column 2 lines 33-67 and column 3 lines 14-35);

- Burrige teaches user lists showing presence of a user (column 2 lines 33-67). Burrige fails to explicitly teach wherein automatically collecting presence information of each of said participants in said group. However, Appleman teaches collecting and providing presence information about co-users in a network system (column 1 lines 5-25, Summary, column 3 lines 1-55, column 4 lines 1-15 and column 7 lines 29-50).

It would have been obvious for one of ordinary skill in the art to modify Burrige by incorporating presence information for each co-user as per the teachings of Appleman so as to alert a user whenever a co-user logs on or off of the network.

- dynamically displaying a visual representation having a plurality of display windows including at least said participants, said collected presence information, and set of mechanisms for a participant to use in conjunction with said displayed presence information to initiate a

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prescribed mode of communicating with one or more others of said participants in said group for a particular collaborative purpose (Burridge; column 2 lines 33-67, column 3 lines 14-35, column 4 lines 13-40, column 5 lines 1-25, column 6 lines 1-41 and column 8 lines 5-50).

It would have been obvious for one of ordinary skill in the art to modify Burridge by incorporating presence information for each co-user as per the teachings of Appleman so as to alert a user whenever a co-user logs on or off of the network.

8. In reference to claim 2, 13 and 20, Burridge teaches establishing a communication session with other collaboration users (Burridge; column 1 line 56 – column 2 line 32, column 5 line 45-53, column 6 lines 1-41, column 7 lines 14-33 and column 9 lines 18-30). Burridge fails to explicitly teach a participant of said group employing said displayed presence information to initiate communication with one or more of others of said participants in said group. Appleman teaches establishing a chat session with a co-user with displayed presence information (Appleman; column 4 lines 37-45 and column 6 lines 35-45).

It would have been obvious for one of ordinary skill in the art to modify Burridge by incorporating presence information for each co-user as per the teachings of Appleman so as to alert a user whenever a co-user arrives or departs on the network for establishing communication.

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9. Claims 3-10,14-18 and 21-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Burrige (US Patent No 6,430,567) in view of Appleman (US Patent No 6,750,881) in further view of Cuomo et al (US Patent No 6,148,328).

10. In reference to claim 3,14 and 21, Burrige in view of Appleman (herein Burrige) teach a method as defined in claim 1. Burrige fails to explicitly teach wherein said prescribed mode of communicating includes at least either an asynchronous mode or a synchronous mode.

However, Cuomo teaches that it is inherent in the art for collaboration systems to be synchronous or asynchronous if used with email (column 1 lines 5-15).

11. In reference to claim 4,15 and 22, Burrige teaches the method as defined in claim 3 wherein said step of dynamically displaying includes a step of automatically updating one or more of said plurality of display windows (Burrige; Summary).

12. In reference to claim 5,16 and 23 Burrige teaches the method as defined in claim 4, including user lists. Burrige fails to explicitly teach wherein said step of automatically collecting presence information includes a step of automatically updating said presence information. However, Appleman teaches automatically updating said presence information in real time (Summary).

It would have been obvious for one of ordinary skill in the art to modify Burrige by automatically updating said presence information as per the teachings of Appleman so that the presence information can be up-to-date in real time.

13. In reference to claim 6,17 and 24, Burrige teaches the method as defined in claim 5. Burrige fails to explicitly teach wherein said presence information for a participant represents prescribed activities of said participant regarding one or more of predetermined instrumentalities

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and/or actions. However, Appleman teaches presence status represents logging on and off of a user (Summary and column 4 lines 1-15).

It would have been obvious for one of ordinary skill in the art to modify Burrige by incorporating presence information for each co-user as per the teachings of Appleman so as to alert a user whenever a co-user logs on or off of the network.

14. In reference to claim 7, 18 and 25, Burrige teaches the method as defined in claim 6 wherein said set of mechanisms includes at least email, chat, voice call, or the like (column 9 lines 18-30)

15. In reference to claim 8 and 26, Burrige teaches the method as defined in claim 6 further including a step of maintaining said collected and updated presence information and a step of notifying said participants of changes of status in said presence information for said participants in said group. However, Appleman teaches presence status represents logging on and off of a user (Summary and column 4 lines 1-15).

It would have been obvious for one of ordinary skill in the art to modify Burrige by incorporating presence information for each co-user as per the teachings of Appleman so as to alert a user whenever a co-user logs on or off of the network.

16. In reference to claim 9 and 27, Burrige teaches method as defined in claim 8 wherein said step of dynamically displaying further includes display windows for displaying at least documents and uniform resource locators (URLs) to information to be discussed (column 6 line 40 – column 10 line 40).

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17. In reference to claim 10 and 28, Burrige teaches the method as defined in claim 9 wherein said set of mechanisms further includes persistent chat and said step of initiating communication further includes initiating a persistent chat session. (column 1 line 56 – column 2 line 32, column 5 line 45-53, column 6 lines 1-41, column 7 lines 14-33 and column 9 lines 18-30).

18. Claims 11 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Burrige (US Patent No 6,430,567) in view of Appleman (US Patent No 6,750,881) in further view of Cuomo et al (US Patent No 6,148,328) in further view of Trossen (US Patent No 6,665,723).

19. Burrige teaches the method as defined in claim 10. Burrige fails to explicitly teach wherein said step of initiating communication further includes a step of setting up third party calls. However, Trossen teaches that it is well-known for establishing third-part call setup for communication in an Internet media session (Abstract, column 1 lines 5-26 and Summary)

It would have been obvious for one of ordinary skill in the art to modify Burrige by establishing communication with third part calls as per the teachings of Trossen in order to establish third-part call setup for communication in an Internet media session.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
September 23, 2004


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